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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 COLUMBIA MACHINE, INC., a
12 Washington corporation,

13 Plaintiff,

14 v.

15 BESSER COMPANY, a Michigan
16 corporation.

17 Defendant.

CASE NO. 10-05667 RBL

ORDER ON PLAINTIFF'S MOTION
TO COMPEL AND DEFENDANT'S
MOTION FOR EXTENSION

18 THIS MATTER has been referred to the undersigned Magistrate Judge for purposes of
19 resolving all discovery matters (ECF No. 50).

20 Currently before the Court is Plaintiff's Motion to Compel Discovery Responses
21 Withheld on Basis of Alleged Need for a Protective Order (ECF No. 37) and Defendant's Motion
22 for Extension of Time to Submit Responses Late and to Adjust Noting Date of Pending Motions
23 by One Week (ECF No. 42).
24

1 Plaintiff's Motion to Compel Discovery largely turns on its inability to obtain a stipulated
2 protective order from Defendant for submission to the Court (ECF No. 37, page 1-5). The
3 problem was resolved by the entry of a Stipulated Protective Order on July 11, 2011 (ECF No.
4 46).

5 Defendant's Motion to Submit Responses Late and to Adjust the Noting Date of Pending
6 Motions by One Week stated that it expected to file responses to the motion no later than
7 Monday, July 4, 2011, citing health problems and workload issues (ECF No. 42, page 2). For
8 reasons that are not entirely clear, Defendant failed to file responses by July 4, 2011. It is
9 possible that the Defendant was waiting for this Court to rule. Also, it appears that Defendant
10 has raised objections other than the lack of a protective order as grounds for refusing to produce
11 certain documents. (See, e.g., ECF No. 38, Exhibit E, Responses to Request Nos. 9, 13, 14, 15,
12 16 and 19.)

13 Defendant has not shown good cause for further delay since the Protective Order is now
14 in place and the requested extension has long since passed.

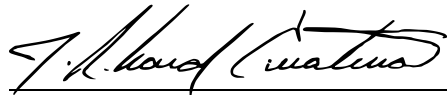
15 Therefore, Plaintiff's motion (ECF No. 37) is GRANTED IN PART. Defendant Besser
16 shall supplement responses to Plaintiff's First Set of Requests for Production of Documents and
17 Things no later than Monday, July 25, 2011 at 5:00 p.m.

18 To the extent that Defendant asserts other objections to production of documents, a
19 response to Plaintiff's Motion to Compel shall be filed no later than Wednesday, July 27, 2011 at
20 5:00 p.m. Plaintiff's Reply, if any, shall be filed no later than Friday, July 29, 2011 at 5:00 p.m.

21 The Clerk is directed to renote Plaintiff's Motion to Compel Discovery Responses (ECF
22 No. 37) for Friday, July 29, 2011 and to strike Defendant's Motion for Extension of Time (ECF
23 No. 42) as moot.

1 Plaintiff's request for attorneys fees and costs (ECF No. 37, page 10) is hereby DENIED,
2 without prejudice.

3 Dated this 18th day of July, 2011.
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7 J. Richard Creatura
8 United States Magistrate Judge
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